

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE VA. - FILED

MAR 26 2008

BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK

United States of America )

v. )

Marshall Ray Peters )

Date of Previous Judgment: April 20, 2006 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 7:05CR00066-001

USM No: 11537-084

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 78 months is reduced to 75 months\*.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	13	Amended Offense Level:	12**
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	18 to 24 months	Amended Guideline Range:	15 to 21 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):

\*This sentence consists of 15 months imprisonment as to Count One and 60 months as to Count Two, to run consecutive to the sentence on Count One.

\*\*The recalculated total offense level is 12 instead of 11, because only two points may be awarded for acceptance of responsibility when the subtotal offense level is 14 or less.

### III. ADDITIONAL COMMENTS

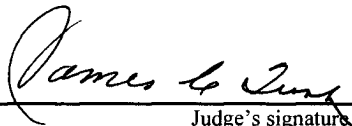
The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled.

Except as provided above, all provisions of the judgment dated April 20, 2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 26, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Judge's signature

James C. Turk, Senior United States District Judge  
Printed name and title